REMARKS

Claims 1-4, 9, 13, 17 and 19-26 are pending in the application. It is gratefully acknowledged that the Examiner has objected to Claims 3, 4, 21, 22, 25 and 26 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner rejects Claims 1, 2, 19, 20, 23 and 24 under 35 U.S.C. §103(a) as unpatentable over Smith et al. (U.S. Patent 6,006,075) in view of Zehavi (U.S. Patent 6,185,199) and further in view of Rappaport (Rappaport, "Wireless Communications", Prentice Hall Publications, 1996). The Examiner rejects Claim 9 under 35 U.S.C. §103(a) as unpatentable over Smith et al. in view of Zehavi, further in view of Rappaport, and further in view of Madhow et al. (U.S. Patent 6,185,199). The Examiner rejects Claim 13 under 35 U.S.C. §103(a) as unpatentable over Smith et al. in view of Rappaport. The Examiner rejects Claim 17 under 35 U.S.C. §103(a) as unpatentable over Smith et al. in view of Rappaport and further in view of Madhow et al.

Please note that minor errors to form have been corrected in Claims 1, 9, 13 and 17, namely, Claims 1 and 9 have been amended to include "an" before "integer multiple", and Claims 13 and 17 have been amended to change "multiple integer" to "integer multiple". Entry of the amendments to Claims 1, 9, 13 and 17 is respectfully requested.

Also, Claims 1, 9, 13, 17 and 23 have each been amended to include the element of modulating the signal with a code <u>having predetermined code length</u>. In addition, Claims 23 and 24 have been amended to clarify the switching concept to more clearly recite <u>transmitting</u> the transmission signal. Entry of the amendments is respectfully requested.

Regarding the rejection of independent Claims 1, 19 and 23, the Examiner relies on Rappaport as disclosing that the switching cycle is an integer multiple of the code length as recited in the claims of the present application. In discussing the rejection of this element, the Examiner also cites Gibson, The Communications Handbook, pages 200-202 in support of his rejection. Applicants respectfully disagree with the Examiner's assessment of both Rappaport and Gibson. Gibson merely discloses that a receiver must be synchronized within one chip in order to properly receive a signal. This is in no way related to switching transmission antennas in a cycle that will ensure an entire code length is transmitted from the currently selected antenna; having the switching (i.e. transmission) cycle equal to an integer multiple of the code length, by

definition, provides that the current antenna will transmit for the code length. The code used for modulating the +1 signal or -1 signal has a predetermined code length. The code should be transmitted at least once in a transmission period obtained by switching the transmission antenna. Switching the transmission antenna does not occur during transmission of the code. By securing the transmission period with at least one cycle of the code, the receiving part can receive the code with more accuracy. The Examiner has conceded that Smith et al. in view of Zehavi does not disclose the switching cycle is an integer multiple of the code length as recited in the claims of the present application, and Rappaport does not cure this defect as Rappaport does not teach or disclose controlling a switch according to a switching cycle. Based on at least the foregoing arguments, withdrawal of the rejections of Claims 1, 19 and 23 is respectfully requested.

Regarding the rejection of independent Claim 9, as "the switching cycle is an integer multiple of the code length" is also recited in Claim 9, the arguments presented above with respect to Claims 1, 19 and 23 apply, and as Madhow et al. does not cure the defect of Smith et al. in view of Zehavi, further in view of Rappaport regarding at least this element, withdrawal of the rejection of Claim 9 is respectfully requested.

Regarding the rejection of independent Claim 13, as "the switching cycle is an integer multiple of the code length" is also recited in Claim 13, the arguments presented above with respect to Claims 1, 19 and 23 apply, and as neither Smith et al. nor Rappaport discloses this element, either alone or in combination, withdrawal of the rejection of Claim 13 is respectfully requested.

Regarding the rejection of independent Claim 17, as "the switching cycle is an integer multiple of the code length" is also recited in Claim 17, the arguments presented above with respect to Claims 1, 19 and 23 apply, and as neither Smith et al., Rappaport nor Madhow et al. discloses this element, either alone or in combination, withdrawal of the rejection of Claim 17 is respectfully requested.

Independent Claims 1, 9, 13, 17, 19 and 23 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 20 and 24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 20 and 24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 9, 13, 17 and 19-26, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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